



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,052	08/21/2000	Marie Lapalme	2425-1-1	6898

20988 7590 03/11/2004

OGILVY RENAULT
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,052

Applicant(s)

LAPALME, MARIE

Examiner

Richard Lee

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At claim 24, lines 1-2, "said voice recognition" shows no clear antecedent basis.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullister of record (5,886,735) in view of Cannon of record (5,742,335).

Bullister discloses a video telephone headset as shown in Figures 1, 2, 4A, 4B, 5A, and 5B, and substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as claimed in claims 11, and 26-29, comprising substantially the same providing the speaker with a headset frame (i.e., 12 of Figure 1 and see Figures 4A and 5A) having a camera (i.e., 112 of Figures 1, 4A) attached thereto and positioned to capture images of a mouth of the speaker; providing the at least one hearing impaired person with at least one display (see Figure 3), wherein sound emitted by the speaker and received by the hearing impaired person essentially does not allow the hearing impaired person to understand the speaker (i.e., since the hearing impaired person is not capable of hearing the speaker, the hearing impaired person will not understand the sound emitted by the speaker); capturing continuous video images of the mouth of the speaker using the camera (i.e., with camera 112 of Figures 1, 4A), wherein the camera is positioned to capture images of the mouth of the speaker

Art Unit: 2613

and facial expressions of the speaker (see column 6, lines 21-27); transmitting the images to the at least one display for the at least one hearing impaired person to view such that movement of the mouth of the speaker coincides with sound emitted by the speaker and enables the hearing impaired person to understand the speaker (see column 3, lines 20-62, column 10, line 11 to column 11, line 30); wherein each of the at least one hearing impaired person is provided with a display (see Figure 3); wherein the hearing impaired person has a diminished sense of hearing (i.e., this is inherent with a hearing impaired person), and wherein the hearing impaired person has an essentially unobstructed view of the speaker and receives the sound emitted by the speaker through air (i.e., the hearing impaired person may certainly be in the presence of the speaker as shown in Figure 1, thereby providing the hearing impaired person an essentially unobstructed view of the speaker and receiving sound emitted by the speaker through the air).

Bullister does not particularly disclose, though, transmitting the images in real time in an uncompressed manner to the at least one display as claimed in claim 11. The particular transmission of images in real time in uncompressed manner is however old and well recognized in the art, as exemplified by Cannon (see column 4, lines 61-65). It is noted that the uncompressed images as claimed and as taught by Cannon may certainly be provided in place of the MPEG compressed images of Bullister if bandwidth was not of a major consideration. Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister and Cannon references in front of him/her and the general knowledge of real time image transmissions, would have had no difficulty in providing the real time uncompressed image transmissions of Cannon for the captured images within Bullister for the same well known real

Art Unit: 2613

time transmission of images so as to avoid any delay and if there was no restriction on the video bandwidth purposes as claimed.

4. Claims 12, 13, 15, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister and Cannon as applied to claims 11, and 26-29 in the above paragraph (3), and further in view of Ricardo et al of record (5,884,197).

The combination of Bullister and Cannon discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, further including capturing continuous sound emitted by the speaker via a microphone (i.e., 140 of Figure 5A of Bullister; within 76 of Figure 4 and see column 5, line 66 to column 6, line 7 of Cannon); and transmitting the images and the sound comprises transmitting via a wireless video signal and a wireless audio signal, respectively, and wherein the video signal and the audio signal are transmitted as two distinct signals on respective wave bands (see 24, 72, 74, 90 of Figure 4, column 4, lines 56-67, column 5, line 35 to column 6, line 19 of Cannon).

The combination of Bullister and Cannon does not particularly disclose, though, transmitting the sound in real time to at least one amplifying device located proximate to the at least one hearing impaired person such that speech of the speaker can be simultaneously heard from the speaker and through the amplifying device, wherein the amplifying device is a hearing aid device as claimed in claims 12 and 19. However, Ricardo et al discloses a wireless portable transceiver as shown in Figure 1, and teaches the conventional use of amplifying devices for amplifying an audio signal (see column 1, lines 32-63). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, and Ricardo et al references in

Art Unit: 2613

front of him/her and the general knowledge of audio amplifiers, would have had no difficulty in providing a hearing aid audio amplifier system as taught by Ricardo et al for the audio receiver 98 of Cannon for the same well known audio amplification purposes as claimed.

5. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 11-13, 15, 17, 19, and 26-29 in the above paragraphs (3) and (4), and further in view of Farris et al of record (6,154,207).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein voice recognition is performed on the speech/video images of the speaker to transform the speech into written form, wherein the written form is output on the at least one display for the at least one hearing impaired person to visualize, and wherein the voice recognition is performed on the speech and on the video images as claimed in claims 21-25. However, Farris et al discloses an interactive language editing in a network based video on demand system as shown in Figures 1, 3, 8, 9, 11, and teaches the conventional multimedia involving closed captioning for the hearing impaired wherein voice recognition is performed on the video images of the speaker to transform the speech into written form and wherein the written form is output on the at least one display for the at least one hearing impaired person to visualize (see column 21, lines 42-63). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Ricardo et al, and Farris et al references in front of him/her and the general knowledge of closed captioning for the hearing impaired, would have had no difficulty in providing the particular

Art Unit: 2613

voice recognition involved in the closed captioning for the hearing impaired where the speech of a speaker is transformed into written form, wherein the written form is output on a display for the hearing impaired person to visualize, and wherein the voice recognition is performed on the speech and on the video images as taught by Farris et al as part of the audio and visual communication system within Bullister, Cannon, and Ricardo et al for the same well known closed captioning for the hearing impaired purposes as claimed.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 11-13, 15, 17, 19, 26-29 in the above paragraphs (3) and (4), and further in view of Lyons of record (5,903,574).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein at least two redundant channels are used for the audio signal, such that the at least one hearing impaired person can choose according to best reception as claimed in claim 20. The particular use of redundant channels and selection of redundant channels for best error-free channel in general are old and well recognized in the art, as exemplified by Lyons (see column 1, lines 21-34, column 1, line 52 to column 2, line 4). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Ricardo, and Lyons references in front of him/her and the general knowledge of redundant channel selections, would have had no difficulty in providing the redundant channel selection criteria as taught by Lyons for the audio and video signals in the audio and visual communication system of Bullister, Cannon, and Ricardo for the same well

Art Unit: 2613

known protection against a catastrophic failure of a single channel and selection of an error-free channel purposes as claimed.

7. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 11-13, 15, 17, 19, 26-29 in the above paragraphs (3) and (4), and further in view of Harris et al of record (6,331,972).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein the transmitting via a wireless video signal and a wireless audio signal comprises transmitting using low-power transmissions as claimed in claims 14 and 16. However, Harris et al discloses a personal data storage and transaction device system as shown in Figures 1 and 2, and teaches the conventional low power transmission of wireless video images (see column 7, lines 4-20, column 8, lines 35-45). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Ricardo, and Harris et al references in front of him/her and the general knowledge of low power transmission of video data, would have had no difficulty in providing the redundant channel selection criteria as taught by Lyons for the audio and video signals in the audio and visual communication system of Bullister, Cannon, and Ricardo for the same well known protection against a catastrophic failure of a single channel and selection of an error-free channel purposes as claimed.

Art Unit: 2613

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 11-13, 15, 17, 19, and 26-29 in the above paragraphs (3) and (4), and further in view of Fancher of record (5,128,755) and Oxman of record(4,352,200).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein the video signal is transmitted on a wave band located in a 902-928 MHZ range, and wherein the audio signal is transmitted on a wave band located in a 72-76 MHZ range. However, the particular frequency range transmission of video and audio signals in the specific ranges as claimed are old and well recognized in the art (see column 3, lines 35-42 of Fancher; column 4, lines 45-66 of Oxman). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Richardo et al, Fancher, and Oxman references in front of him/her and the general knowledge of RF video and audio transmissions, would have had no difficulty in providing the specific audio and video transmission ranges as taught by Fancher and Oxman for the audio and video signals of Cannon for the same well known RF transmission compliance purposes as claimed.

9. The Examiner wants to point out that since most of the arguments from the amendment filed December 23, 2003 have been addressed in the above grounds of rejections, only pertinent arguments will now be addressed.

Regarding the applicant's arguments at page 9 of the amendment filed December 23, 2003 concerning in general that the real time transmitting of images in Cannon does not

Art Unit: 2613

correspond to the definition of "real time" given at lines 8-12 of page 3 of the present application, which has a maximum delay of 33 milliseconds between the moment when the image is perceived and the moment when the sound is perceived, the Examiner wants to firstly point out that: The Specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968). Secondly, even though both Cannon and the present invention teach "real time" transmission of images, minimum delays are nevertheless inherent within both systems. In any event, it is submitted that the "real time" transmission of images within Cannon reads on the claimed limitations (see column 4, lines 61-65).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2613

11. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

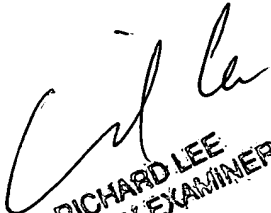
or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED
PROCEDURE") (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

12. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The
Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with
alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group customer service whose telephone number is (703) 306-0377.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl 

3/4/04